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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,574	11/27/2001	Hiromune Suetsugu	04329.2699	7435

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EXAMINER
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FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/993,574

Applicant(s)

SUETSUGU ET AL.

Examiner

Derrick W. Ferris

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 19-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 10-18 and 31 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8, 9 and 32-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of claims 1-18 and 31-37 (group I) in the reply filed on 9/28/2005 is acknowledged.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 16** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 16 lacks proper antecedent basis for "*the* network management equipment".

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-3, 7, and 15** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,394,389 A to *Kremer*.

As to **claim 1**, see e.g., figure 1 where a first ring is taught as ring 100, a second ring is taught as ring 101, transmission lines are taught as 116, 117, 128, 129 respectfully, and connection parts are taught as the connections between ring nodes 112 and 120 and 114 and 125 respectively. As such, a first self-healing function is taught at e.g., column

4, lines 46-63 and column 5, lines 33-48. A second self-healing function is taught e.g., at column 8, line 63 – column 10, lines 10. Specifically, the two self-healing functions function in cooperation without contradiction since they are able to route around at least one type of failure on either network. One such example is illustrated in figure 8 where the primary ring node 112 has the ability to select the best signal from ring 100 as either Tp or Ts.

As to **claim 2**, see e.g., figure 8 where the selector in the primary node selects between either Tp or Ts based on the dual-feed, see e.g., column 13, lines 1-34.

As to **claim 3**, see similar rejection to claim 1 with respect to a first ring and a second ring.

As to **claim 7**, see similar rejection to claim 2.

As to **claim 15**, see similar rejection to claim 1.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,394,389 A to *Kremer* in further view of U.S. Patent No. 5,867,494 A to

*Krishnaswamy et al.* (“*Krishnaswamy*”).

As to **claims 10 and 11**, *Kremer* is silent or deficient to the further limitation of a network management equipment which provides monitoring control of the system and

means for, when said right of selecting traffic has been transferred between nodes as a result of the occurrence of a traffic changing request, notifying said network management equipment about to which node the right of selecting traffic has been transferred.

*Krishnaswamy* teaches the above limitations. In particular, see e.g., NMS 338 and corresponding systems in figure 3 in view of figure 5. Specifically, *Krishnaswamy* teaches receiving events and alarms from network equipment such as network updates and then updating the network topology as a result of the alarm/event.

The examiner proposes to modify *Kremer* to clarify that using a network management system for notification is well known in the art.

Thus the examiner notes it would have been obvious to make the above modification. In particular, one skilled in the art would have been motivated to make the above modification in order to maintain a current network topology. As such, *Krishnaswamy* teaches the above motivation at e.g., column 116, line 29 to column 118, line 3.

8. **Claims 12-14 and 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,394,389 A to *Kremer* in further view of U.S. Patent No. 5,781,535A to *Russ et al.* ("*Russ*").

As to **claim 12**, *Kremer* is silent or deficient to the further limitation of a network management equipment which provides monitoring control of the system and an external command which is given from said network management equipment to each node and which stops said second self-healing function temporarily.

*Russ* teaches the above limitations at e.g., column 8, lines 14-25 with respect to a hold-off timer that is user configurable. In particular, it is well known in the art to use a hold-off timer to temporarily halt a self-healing function.

The examiner proposes to modify *Kremer* to clarify the use of a hold-off timer.

Thus the examiner notes it would have been obvious to make the above modification. In particular, one skilled in the art would have been motivated to make the above modification in order to prevent link restoration due to short-duration hits. As such, *Russ* teaches the above motivation at e.g., column 2, lines 41-45.

As to **claim 13**, see similar rejection to claim 12 where a time setting means is the hold-off timer.

As to **claim 14**, see similar rejection to claim 12 where a time setting means is the hold-off timer which is set for each node such that node of the nodes has a first self-healing function hold-off timer and another node has a second self-healing function timer.

As to **claim 16**, see similar rejection to claim 12.

As to **claim 17**, see similar rejection to claim 12.

As to **claim 18**, see similar rejection to claim 12.

9. **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,394,389 A to *Kremer*.

As to **claim 31**, see similar rejection to claim 1. *Kremer* may not explicitly teach a third ring network and third and sixth interconnect respectfully. For example see figure 1 of *Kremer*.

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The examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitations. In particular, one skilled in the art would have been motivated to include the above limitations in order to communicate with a different network as the third network. Furthermore, *Kremer* teaches that the above example is non-limitation such that the above modification would not depart from the spirit and/or scope of the invention, see e.g., column 19, lines 14-24 of *Kremer*.

***Allowable Subject Matter***

10. **Claims 4-6, 8-9, and 32-37** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

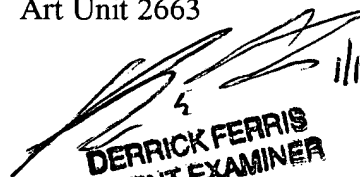
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DWF

Derrick W. Ferris  
Examiner  
Art Unit 2663

 11/11/06  
**DERRICK FERRIS**  
**PATENT EXAMINER**